

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARK MARLOW and NANCY
MARLOW, husband and wife,

Plaintiffs,

v.

JOHN HOTCHKISS, in his individual capacity; STEVEN M. CLEM, in his individual capacity; ANDREW L. KOTTKAMP, in his individual capacity; KAREN M. URELIUS, in her individual capacity; GLEN A. DE VREIS, in his individual capacity; JERRY J. GREGORY, in his individual capacity; RAMON PEREZ, in his individual capacity; ANTHONY O. WRIGHT, in his individual capacity; ERIC PENTICO, in his individual capacity; GARY GRAFF, in his individual capacity; BRUCE A. ESTOK, in his individual capacity; F. DALE BAMBRICK, in his individual capacity; MARK D. KULASS, in his individual capacity; DALE L. SNYDER, in his individual capacity; KEN STANTON, in his individual capacity; STEVEN JENKINS, in his

NO: 2:15-CV-0131-TOR

ORDER OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE;
SCHEDULING ORDER

individual capacity; and DOES 1 through 10, inclusively in their individual capacity.

Defendants.

---AND---

V.

No. 2:15-CV-0188-TOR

DALE L. SNYDER, Douglas County Commissioner; KEN STANTON, Douglas County Commissioner; STEVEN JENKINS, Douglas County Commissioner; MARK D. KULAAS, Director Land Management Services Douglas County; STEVEN M. CLEM, Attorney for Douglas County; and DOUGLAS COUNTY, a Political subdivision of the State of Washington.

Defendants

I. Order of Voluntary Dismissal Without Prejudice

Before the Court is Plaintiffs' Motion to Dismiss Former Grant County Case

No. 2:15-CV-0188-TOR (ECF No. 32). This matter was submitted without oral argument. The Court has reviewed the record and files herein, and is fully informed. Because Defendants have neither filed an answer nor moved for summary judgment, Plaintiffs have an absolute right to voluntarily dismiss this case. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

1 II. Scheduling Order

2 A telephonic scheduling conference was held in the above-entitled matter on
3 October 20, 2015. Plaintiffs Mark and Nancy Marlow appeared *pro se* on their own
4 behalf. Vanessa R. Waldref, Carl P. Warring, and Mark Louvier appeared on behalf
5 of Defendants. The Court reviewed Defendants' Joint Status Certificate and
6 Discovery Plan (ECF No. 34) and Plaintiffs' Status Report (ECF No. 36), and heard
7 from counsel and is fully informed.

8 **IT IS HEREBY ORDERED:**

- 9 1. Defendants' motions to dismiss shall be filed on or before **November 3,**
10 **2015.** Plaintiffs shall file a response by **December 3, 2015.** Defendants
11 may file a reply by **December 17, 2015.** Plaintiffs may file a sur-
12 response by **January 4, 2016.**
- 13 2. No formal discovery may be effectuated until further order of the Court.
- 14 3. Plaintiffs' Motion to Dismiss Former Grant County Case (ECF No. 32) is
15 **GRANTED.**
- 16 4. The action *Marlow v. Snyder et al.*, 2:15-CV-0188-TOR is **dismissed**
17 **without prejudice.**
- 18 5. Defendant Douglas County is dismissed and the Clerk of Court shall
19 terminate it from the caption of this case.

6. Defendants Dale L. Snyder, Ken Stanton, Steven Jenkins, Mark D. Kulaas, and Steven M. Clem are dismissed as defendants in their official capacities in case No. 2:15-CV-0188-TOR. These defendants remain as defendants in their individual capacities in case No. 2:15-CV-0131-TOR. The caption shall be adjusted accordingly.

The District Court Executive is hereby directed to enter this Order and provide copies to counsel.

DATED October 21, 2015.



THOMAS O. RICE
United States District Judge